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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,735	11/13/2003	Olaf Vancura	3718611.05490	8906
29159 K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690	7590 08/18/2010			
			EXAMINER	
			TORIMERO, ADETOKUNBO OLUSEGUN	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			08/18/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

### Office Action Summary

**Application No.**

10/712,735

**Applicant(s)**

VANCURA, OLAF

**Examiner**

ADETOKUNBO O. TORIMIRO

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54, 56-58, 60, 61, 63-69, 71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54, 56-58, 60, 61, 63-69, 71, and 72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed on 06/07/2010 has been entered. It is noted that claims 54,56-58,63,67, and 69 have been amended. Claim 70 has been cancelled.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 54,56-58,60,61,63,65-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Okada (US 5,467,856).

Re claims 54,63,67, and 69: Olsen discloses a method of operating a gaming machine having a plurality of game symbols at least including a plurality of different award value symbols / *plurality of symbols with various values as shown in fig.13* and a plurality of end game symbols / *symbols with zero value which ends the bonus mode as explained in col.8 and hence used to adjust the bonus mode length (see fig.13, col.8, lines 26-34 and lines 49-53; col.24, lines 40-44; col.30, line 31-col.31, line27)*, said method comprising: randomly generating a combination of the plurality of game symbols, causing a display of the gaming machine to display: the randomly generated combination of the plurality of symbols (see **figs.11 and 13; col.3, lines 43-48**), and for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with said randomly generated award value symbol (see **fig.13**; , summing

the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value (see col.24, lines 12-17), repeating the steps until a number of said end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, said predetermined number being at least one, and ending play when the number is reached / *the null symbols may be used to adjust the bonus mode length* (see col.8, lines 31-34; col.24, lines 40-44). It is apparent and interpreted as shown above that the null symbols are symbols with zero value that could end a game by producing the losing values that ends the game. Further the examiner interprets the teaching of Olsen as teaching an end game symbol when the last value symbol is selected. Because as claimed by Olsen, the game ends when the current value of the bonus game equals or drops below zero, therefore the symbol selected before this occurs can be interpreted as the end game symbol for the bonus mode. Also as seen in col.8, lines 31-34, other turn-off values can also be implemented other than zero. Further the null symbol produces a zero value outcome which according to col. 8 has the ability to end the bonus mode.

However, Olsen does not explicitly mention said end game symbols being predetermined prior to any random generation of the combination of game symbols.

Okada explicitly teaches symbols stopped along a specific line that based on a predetermined combination of symbols, function as end game symbols because the game to end and if the combination are winning combinations the winning outcome is achieved, which examiner believes to teach the limitation of said end game symbols being predetermined prior to symbol generation (see col.1, lines 29-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Okada into the teachings of Olsen. One would be motivated to do this so as to have symbols that have been decided ahead that would cause the game to end thereby according to Okada preventing fraudulent activities, and making the game more enjoyable and secure for the game player.

Re claims 56-58, and 71: Olsen discloses wherein the plurality of game symbols include null symbols in the game symbols (see col.24, lines 40-44); wherein the value symbols include positive integer values (see col.24, lines 14-17); wherein the value symbols include negative integer values / *the current value jackpot* (see **GAME I Table in col.18**). It is apparent to Examiner that if the symbols can include positive integers, therefore from the current value of the jackpot as seen in the GAME I Table that shows negative integers, then it is a preference to include values that are negative integers.

Re claims 60 and 61: Olsen discloses ending play when a player stop signal is received in response to the step of summing and awarding of the accumulated winnings / *each bonus award decrements the current value by the amount of each award and the bonus time period is ended when the current value is less than or equal to the base value which means that that the gaming machine receives a stop signal associated with no more payout value which then ends the game since summing up and accumulation of value by the player means no more value for the machine and hence end of game* (see abstract, lines 13-17).

Re claims 65,66, and 68: Olsen discloses further comprising paying a progressive jackpot in response to ending the play of the bonus game; paying the predetermined value in response to ending the play of the bonus game / *wherein the jackpots are made and paid to one or more eligible gaming machines where the payment are progressive and accumulated all though and until the end of the game (see col.8, lines 23-34).*

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 64 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Okada (US 5,467,856) and further in view of Frohm et al (US 6,234,897).

Re claims 64 and 72: The teachings of Olsen have been discussed above.

However, Olsen does not explicitly teach paying an award different from the predetermined value in response to ending the play of the bonus game; wherein the value symbols include multipliers

Frohm et al teaches the method further comprising: paying an award different from the predetermined value in response to ending the bonus game (see fig.8; col.7, lines 59-62); wherein the value symbols include multipliers (see figs. 10A-10D; col.8, lines 10-21). The

examiner points out that wherein the initial predetermined is different from the payout after the bonus since the actual payout is pay multiplied by the game multiplier as shown in fig. 8.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Frohm et al into the teaching of Olsen. One would be motivated to do this so as to have a system whereby the award is not always the same as anticipated thereby providing a sense of anticipation to the player and hence making the game interesting for the players. One can also be motivated to include multipliers as part of the symbols so as to provide a gaming system where the outcome achieved by the players can be multiplied, thereby increasing the player interest and anticipation in the game since the player realizes that there are more chances and opportunities to attain greater payout.

### ***Response to Arguments***

6. Applicant's arguments filed 06/07/2010 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to the argument that Frohm does not teach paying an award different from the predetermined value in response to ending the bonus game, the examiner disagrees by pointing out that as explained above, and as shown in fig.8, there is a game multiplier achieved/retrieved during the bonus game and wherein the actual payout is the initially predetermined pay multiplied by the game multiplier, which therefore produces a different payout and hence makes the game interesting and the player interested since they believe there is a tendency to win more than the predetermined payout.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Primary Examiner, Art Unit 3714